

CLARKE COUNTY BOARD OF SUPERVISORS

April 20, 2004Regular Meeting9:00 a.m.

Board of Supervisors Meeting Room

At a meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia on Tuesday, April 20, 2004.

Present

Chairman Staelin, Vice Chairman Hobert, Supervisor Dunning, Supervisor Byrd, Supervisor Weiss

Also Present

David L. Ash, Pam Lettie, Layla Wilder, Val Van Meter, Garren Shipley, and other citizens and members of the press.

Call To Order

Chairman Staelin called the meeting to order at 9:04 a.m.

Adoption of Agenda

Add to Miscellaneous: Convenience Site at Shenandoah Farms
Business Park Access Road Payment to VDOT

Vice Chairman Hobert moved to adopt the agenda as modified.

The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Approval of Meeting Minutes

Vice Chairman Hobert moved to approve the minutes for Budget Work Session 3/11/04, Regular Meeting 3/16/04, Budget Work Session 3/18/04 and Budget Work Session 3/23/04 as written.

The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Consent Agenda

Shenandoah Valley Watersheds Policy Integration Assessment

Authorize John Staelin to provide comment for the Clarke County Board of Supervisors on the draft Watersheds Policy Integration Assessment Goals.

Chairman Staelin provided a brief overview of the Shenandoah Valley Watersheds Policy Integration Assessment and goals were discussed.

Request for Applications – 2004 CLG Subgrant Program

Submit application for inclusion of Josephine City Community into the Berryville Register District.

David Ash reviewed the 2004 CLG Subgrant Program. The purpose of the subgrant is to expand the Berryville National Register District to include Josephine City Community.

Right-of-Way Agreement – Allegheny Power - Service to Proposed Animal Shelter

Grant right-of-way to Allegheny Power to service the proposed animal shelter.

David Ash reviewed the Right-of-Way Agreement with Allegheny Power to provide service to proposed Animal Shelter.

Supervisor Dunning moved to accept the items as presented.

The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Citizen Comment Period

No citizens appeared to address the Board.

Virginia Department Of Transportation

Jeff Lineberry appeared before the Board of Supervisors to provide the monthly update. Bob Childress and Ricky Pope also accompanied Mr. Lineberry.

Speed Studies

Mr. Lineberry reported that VDOT is working on the speed zone studies and have had discussions with the traffic engineer, who is recommending some postings. He should have the reports available for distribution by April 23, 2004.

Chairman Staelin requested that David Ash include discussion of additional roads to be included in speed zone studies on the next Board of Supervisors Work Session agenda. He asked the Supervisors to prepare lists of roads in their areas for consideration. Supervisor Dunning requested that Mr. Ash provide the Board with the list of roads included in the original request.

Jeff Lineberry put forth that the majority of the roads in the 12-county district were unposted. Mr. Lineberry opined that many routes were constructed years ago and do not support 55 mph.

Supervisor Byrd apprised VDOT that on Crums Church Road the Sheriff's Department had recently caught three cars going in excess of 70 mph within a period of an hour and a half. She said that constituents in that area were considering a petition. She said that constituents on Kimble Road want the whole road 45 mph not just the straight away. They, too, are considering a petition.

Traffic Signal Route 7 and Business Route 7

Supervisor Weiss requested that VDOT look at the timing of the new traffic signal on Route 7 Business noting marked delays.

Scenic Byway Status for Clarke County

Chuck Johnston, Planning Administrator, reviewed the proposed resolution for Scenic Byway Status. Following discussion, Chuck Johnston was requested to modify the resolution to include the access road to the State Arboretum.

Supervisor Byrd moved to adopt the resolution as modified.

The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

RESOLUTION

WHEREAS, §33,1-62 of the Code of Virginia authorizes the Commonwealth Transportation Board to designate any highway as a "scenic highway" or as a "Virginia byway", and

WHEREAS, §33,1-63 of the Code of Virginia defines a "Virginia byway" as a road having relatively high aesthetic or cultural value, leading to or within area of historical, natural or recreation significance; and further in the selection of a "Virginia byway", preference shall be given to corridor controlled by zoning or otherwise, so as to reasonably protect the aesthetic or cultural value of the highway, and

WHEREAS, §33,1-64 of the Code of Virginia defines a "scenic byway" as a road within a protected scenic corridor located, designed, and construct so as to preserve and enhance the natural beauty and cultural value of the countryside; and further must substantially meet the following criteria:

- a. the route provides important scenic values and experiences
- b. there is diversity of experiences as transition from one landscape scene to another,
- c. the route links together or provides access to scenic, historic, recreation, cultural, natural, and archeological elements,
- d. the route bypasses major roads or provides opportunity to leave high-speed routes for variety and leisure in motoring,
- e. the route allows for additional features that will enhance the motorist's experience and improve safety, and
- f. the local government has initiated zoning or other land-use controls, so as to reasonably protect the aesthetic and cultural value of the highway, and

WHEREAS, the Clarke County Board of Supervisors has significantly limited land uses for 98% of the County by placing this land in either the Agricultural-Open Space-Conservation or Forestal-Open Space Conservation Zoning Districts (see map), and

WHEREAS, the principal land uses in the Agricultural-Open Space-Conservation and Forestal-Open Space-Conservation Zoning Districts are limited to Agriculture, Forestry, Horticulture, Open Space, and a limited number of new single family detached dwellings (0-15 acre parcels – one new dwelling, 15-40 acres – two dwelling units, 40-80 – three; 80-130 – four; 130-180 – five, 180-230 – six, etc., [Clarke County Zoning Ordinance § 3-D]), and further these limitations on single family

dwellings have been in place since 1980 and more than 1/3 of these dwellings have already been built, and

WHEREAS, the setbacks for structures from scenic highways in the Agricultural-Open Space-Conservation or Forestal-Open Space-Conservation Zoning Districts are 50 feet, in addition to base setbacks of 50 feet for parcels of one to four acres, 75 feet for parcels of four to twenty acres, and 100 feet for parcels twenty acres and greater (Clarke County Zoning Ordinance §§ 3-A-1-c & 3-A-2-c), and

WHEREAS, the Clarke County Board of Supervisors approved the renewal of the Clarke County Agricultural and Forestal Districts in March 2004 with a total acreage of 34,060 or 31% of the County (see map), and

WHEREAS, as of 20 January 2004, there are 14,068 acres or 12% of Clarke County in permanent open space easement (see map), and

WHEREAS, the entire 22 mile length of the Shenandoah River in Clarke County has been designated by the Virginia General Assembly as a state scenic river, and

WHEREAS, 33,644 acres of Clarke County are in six National Register Districts (Berryville, Boyce, Cool Spring Battlefield, Greenway, Long Marsh Run, and White Post) (see map) and in addition, more than two dozen properties are individually listed on the National Register, and

WHEREAS, the State Arboretum of Virginia is located in Clarke County, and

WHEREAS, the roads proposed for “scenic highway” or as a “Virginia byway” designation in Clarke County traverse land with high aesthetic or cultural value or lead to or within area of historical, natural or recreation significance,

NOW, THEREFORE, BE IT RESOLVED: the Clarke County Board requests the attached list of 27 Virginia routes be designated by the Commonwealth Transportation Board as a “scenic highway” or as a “Virginia byway.”

Recorded Vote

Moved By: _____

Yeas: _____

Nays: _____

A Copy Teste:

John Staelin, Chairman

Clarke County Board of Supervisors

Other Matters

- There was discussion with VDOT on a variety of matters.
- A date needs to be set for a meeting with Bob Childress and John Staelin on Route 605.
 - Supervisor Weiss was instructed to speak with the school, specifically Larry Hardesty, regarding the installation of a school bus sign.
 - Line stripping and additional turn lanes will be added in the Town of Boyce on Route 340. Bob Childress met with the Town Council three weeks ago regarding the matter. Currently, the intersection does not meet the warrants for a traffic signal; but VDOT will continue to monitor.
 - Blacktop cracking in the County is normal in the spring of the year.

Public Hearing – Zoning Ordinance Text Amendment TA-04-01

The Berryville Area Development Authority recommends the amendment of:

- a. *the County Zoning Ordinance, Sections 3-A-4, Open Space Residential – OSR; 3-A-5, Detached Residential - 1 (DR-1); 3-A-6, Detached Residential - 2 (DR-2); 3-A-7, Detached Residential - 4 (DR-4); 3-A-10, Business Park (BP), and*
- b. *the Town Zoning Ordinance, Sections 601, Open Space Residential – OSR; 602, Detached Residential - 1 (DR-1); 603, Detached Residential - 2 (DR-2); 604, Detached Residential - 4 (DR-4); 612, Business Park (BP)*

so as to standardize the setback, lot width, and lot size regulations in the residential districts and establish a maximum sound level for uses in the business zoning district. TA-04-01

Chuck Johnston, Planning Administrator, provided an overview of the Zoning Ordinance Text Amendment TA-04-01. Mr. Johnston explained that the setbacks were consistent with the AOC district.

At 10:23 am, Chairman Staelin opened the hearing to receive public comment.

Sandra Sowada, Berryville: queried Mr. Johnston as to why the County was proposing this change.

Chuck Johnston replied that is was being done to ensure consistent zoning requirements for the County and the Town of Berryville, which would eliminate any perceived advantage of being in one area over the other.

There being no other persons present wishing to address the Board on this matter, at 10:25 am, Chairman Staelin closed the public comment portion of the hearing.

Vice Chairman Hobert moved to adopt Zoning Ordinance Text Amendment TA-01-01 as presented so as to standardize the setback, lot width, and lot size regulations in the residential districts and establish a maximum sound level for uses in the business zoning district.

The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Supervisor Dunning requested Mr. Johnston to check the Clarke County noise ordinance to determine if any changes were necessary.

Public Hearing – Increase in E911 Fees [CC-04-01]

David Ash, County Administrator, provided an overview of the proposed increase in E911 fees. Mr. Ash explained that while Clarke is a small County the equipment they purchased cost as much as Frederick County's. Chairman Staelin stated that the increase was discussed during the budget process.

At 10:31 am, Chairman Staelin opened the hearing to receive public comment. There being no other persons present wishing to address the Board on this matter he closed the public comment portion of the hearing.

Supervisor Dunning moved to approve the increase to \$3 per month per line for E911 fees.

The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

David Ash will provide written notification to all affected telecommunications providers. Providers must implement the increase within 120 days of receipt.

Vehicle Decal Fee Increase – Continued Discussion

David Ash reviewed the proposed increase in vehicle decal fees. Mr. Ash stated that a public hearing is not required to adjust fees. Chairman Staelin reminded the Board that the proposed increase had been discussed in budget work sessions. Mr. Ash provided the following comparison chart.

Vehicle Decal Comparison Chart

	Clarke Current	Clarke Proposed	Frederick Current	Warren Current	Shenandoah Current	Loudon Current
Automobile (10,000)	\$20.00	\$25.00	\$25.00	\$25.00	\$25.00	\$25.00
Truck	\$20.00	\$25.00	\$25.00	\$25.00	\$25.00	\$25.00
Motorcycle (350)	\$8.00	\$12.00	\$10.00	\$12.00	\$18.00	\$16.00
Trailer (1500)	\$6.50	\$8.00	None	\$12.00 over 1500cvw	\$12.00 over 1500cvw	None
Transfer	\$1.00	\$1.00	\$1.00	\$2.00	\$1.00\$	
Late Transfer		\$5.00	\$6.00/\$5.00			
Reissue		50%	50%			
Late Purchase		\$5.00 surcharge on cars, trucks				
Special	No charge for Fire & Rescue eligible vehicle	No charge for Fire & Rescue eligible vehicle Disabled Veteran, POW—Free, National Guard—50%		Disabled Veteran, POW—Free, National Guard-- \$10.00	National Guard, Farm Use—may be eligible for reduction	

Following discussion, Supervisor Dunning moved to approve the proposed vehicle decal fees as presented to become effective Calendar Year 2005.

The motion was approved by the following vote:

- Chairman Staelin
- Vice Chairman Hobert
- Supervisor Byrd
- Supervisor Dunning
- Supervisor Weiss
- Aye
- Aye
- Aye
- Aye
- Aye

Special Entertainment Permit – The Free Medical Clinic’s International Tunes & Tastes Festival at Veramar Vineyard

David Ash distributed a letter from the Arthur R. Boyce, III, VDOT, dated April 14, 2004 and referencing the 2004 International Tastes and Tunes Festival – Veramar Vineyard Route 612 - Clarke County. Jesse Russell, Zoning Administrator, said that the entrance issues noted in that letter were connected with the Special Use Permit that Veramar was requesting. He stated that he had conducted a site visit with VDOT in the fall of 2003 and VDOT had requested that the entrances be brought up to Commercial Entrance Standards. VDOT has requested that the construction be bonded, a design plan and permit application be submitted by the Bogaty’s so they can begin the process for a Land Use Permit. Mrs. Bogaty stated that Stuart Dunn began work on the design Monday, April 19, 2004. Mrs. Bogaty put forth that Arthur Boyce, VDOT Permit and Subdivision Specialist Supervisor, had informed them that the second entrance, which is to be a gated, exit only, did not have to be paved. Chairman Staelin requested that she have Mr. Boyce provide the Board with approval of the change in writing.

Supervisor Weiss said there was growing concern about this site in his district. He said that he did appreciate the energy displayed by the Bogaty’s but he felt that the business had gone over and beyond a winery use. He noted that the Veramar website lists activities for almost every weekend. He stated that each event outside of their primary winery use requires an application to the Board of Supervisors for a Special Entertainment Permit as required by the Code of Clarke County. He asked that the County ordinances

be reviewed to restrict or tighten requirements. He noted the Veramar website states that it can be used as a conference center, which is not an allowed use at the site. He put forth that the neighbors did not "sign on" for all the weekend events planned by the Bogaty's. He opined that he did not want to squelch tourism and noted that business adds tax dollars but they need to strike a better balance.

Vice Chairman Hobert noted that he wished to avoid any conflict of interest and was hesitant to discuss the matter since he was on the board of the Free Medical Clinic. He stated that while he appreciated the issues put forth by Mr. Weiss they were not directly related to the issue on the table; the Special Entertainment Permit for Tunes and Tastes. Mr. Hobert said that what Mr. Weiss was mentioning was a matter of enforcement of existing ordinances, which was a different issue.

John Burns, Festival Chairman, addressed the Board. He explained that this was the third year for this event. While Blandy Experimental Farm was the site of the festival for the first two years, they decided to move the event to Veramar so that they could provide alcohol as requested by attendees of the previous events. He said that wine, from Veramar only, would be sold under strict conditions. He opined that the decision to move the event is part of their ongoing effort to build up the festival.

Supervisor Weiss said that the Board was setting a precedent and he cautioned that with the addition of so many events that they were creating an amusement park atmosphere. He emphasized that this was not about tourism but about quality of life. Mr. Burns stated that the Free Medical Clinic adds to the quality of life.

Chairman Staelin said that the reason for the Special Entertainment Permit process was to ensure that the number of events does not get out of hand. He said that the Free Medical Clinic had gone through all the proper channels for permitting the event.

Jesse Russell stated that the map of the Bogaty's property provided by VDOT shows a temporary exit. He informed the Bogaty's that a site plan amendment is required to make the exit permanent noting its close proximity to neighboring houses. Jim Bogaty assured Mr. Russell and the Board that the exit was temporary and was put in place only to facilitate this event. Soon that area would be converted to a vineyard.

Supervisor Dunning moved to approved the 2004 International Tunes and Tastes Festival to be held at Veramar Vineyard on a one-time basis to determine what the new site can handle, and

1. subject to receipt of a letter from VDOT approving the change in requirements for the temporary exit, and
2. subject to the addition of a gate and closure of the temporary exit after the event.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Abstain
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Supervisor Weiss requested that the event be capped at 2,000 participants given the location of the event. He emphasized that he supports the Free Medical Clinic but this is about the event not the Clinic. John Burns stated that he wants to make this a community event and opined that the vineyard was a beautiful setting.

Special Entertainment Permit – Vintage Virginia 23rd Annual Virginia Wineries Festival at Historic Long Branch – Continued Discussion

Bryan Conrad, Fire Chief - Blue Ridge Volunteer Fire and Rescue, and Tony Roper, Clarke County Sheriff, appeared before the Board to address the Vintage Virginia 23rd Annual Virginia Wineries Festival at Historic Long Branch. Chairman Staelin opined that due to the size of the County and the size of its fire and rescue and police force big events pose a challenge. He also noted that Long Branch already hosts the Balloon Festival and there is a limit to what neighbors will tolerate.

Tony Roper stated he had informed Shows, Inc. that the Sheriff's Department could not provide internal security; and as a result, Shows, Inc. hired an outside firm to provide security on the grounds. He said that he had met with VDOT and EMS regarding the event and they were as prepared as possible. He told the Board that VDOT would use the same signage on the roadways as that used for the Balloon Festival. He noted that the number of estimated attendees has fluctuated from 8,000 to 12,000 per day. Mr. Roper also said they would use standard procedures with regard to the possibility of driving under the influence of alcohol.

Bryan Conrad stated that Blue Ridge Volunteer Fire and Rescue has put a plan in place to deal with the event and distributed a copy of the Emergency Operations Plan for Vintage Virginia Wine Festival June 5 & 6, 2004. Mr. Conrad also noted the fluctuating number of attendees. He informed the Board that BRVFR would be compensated for their services in the form of a donation. He indicated that no career staff would be used to cover the event. He told the Board that Air Care would have a helicopter on hand. Valley Health Systems will provide assistance and staffing for on-site treatment, such as used for the Apple Blossom Festival. Persons will be transported only if needed. Mr. Conrad told the Board that fire and rescue have reserved the south driveway at Long Branch for use by emergency vehicles.

Roger Stevens, Senior Special Agent - Bureau of Law Enforcement Commonwealth of Virginia Department of Alcoholic Beverage Control, addressed the Board regarding alcohol control. He informed the Board that he would have four to five agents on the festival grounds to monitor the event. He stated that ABC investigators specifically look for persons who have over consumed. He advised the Board that no arrests have been made at past events.

Anna [last name unintelligible] affiliated with the winery association, stated that they also monitor the crowd for persons who have consumed too much alcohol. She told the Board that they are very cautious regarding carding, which is done at the gate.

Harry Benham, Chairman Board of Directors Historic Long Branch, addressed the Board opining that the event has a positive potential for the community. He did acknowledge Chairman Staelin's comments that there is a limit to what neighbors will tolerate.

Supervisor Weiss informed those present that the new location of the event had been publicized well in advance of submission of a special entertainment permit and that an August event at Long Branch is being advertised as well.

Jim Barthold, Shows, Inc. apologized for the oversight stating that in their former location in Fauquier County a permit was not required since the location they used was licensed for such activities. He addressed concerns regarding the number of attendees, explaining to the Board that tickets for the event were sold through a box office. He said that the largest number of attendees was 21,000 for two days and the weather had been ideal on that occasion. He opined that some persons would be lost due to the change in location.

Anna [last name unintelligible] affiliated with the winery association, also apologized explaining that they were trying to meet the deadline for the publication of Virginia Wineries 2004 Festival and Tour Guide.

Mr. Conrad requested that if the permit for the event were approved it would only be for the June event opining this was a learning process. He asked that Shows, Inc. make no assumptions regarding the proposed August event until after the June festival to allow

time to analyze the County's ability to adequately cover the emergency services needs of the event.

Supervisor Weiss requested Shows, Inc., the Virginia Winery Association and Long Branch to remove the advertising for the August event. He emphatically stated that it was presumptuous of anyone to think that the Clarke County Board of Supervisors would approve an event just because it had already been advertised. He noted in this case making application to the Board of Supervisors for permission to hold the event was the last thing done by those involved. He cautioned that he would not sanction such behavior. Jim Barthold promised to pull the August event from their website until it was approved.

Chairman Staelin opined that there had been confusion about the rules; and the program organizers, once apprised, had responded appropriately. He said that he had met with the event coordinators and was assured that payments are not made at the gate, which should eliminate delays in traffic. Mr. Staelin did suggest that the organizers include local groups and charities in the event.

Supervisor Dunning noted that the size of Clarke County is a factor, as well as the impact on neighbors. He reminded those present that the estimated number of attendees was close to the entire population of the County.

Supervisor Dunning moved to approved the Vintage Virginia 23rd Annual Virginia Wineries Festival at Historic Long Branch as a one-time event.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Nay

Special Use/Site Plan SUP-03-06 – Continued Discussion

Della Bogaty (Veramar Winery) requests the approval of a Special Use and Site Plan for an eight- bedroom country inn and winery located at 901 Quarry Road, Tax Map Parcel 25-((A))-1B, Battletown Magisterial District, zoned Agricultural-Open Space-Conservation (AOC). SUP-03-06

Chuck Johnston reviewed the Special Use Request, SUP-03-06, made by Della Bogaty of Veramar Vineyard specific to the country inn request. Chairman Staelin said that the Supervisors were supportive of tourism and committed to country inns in the County; however, the issue in this case is the lack of any development rights on the property. Mr. Staelin requested comment from the Bogaty's.

Jim Bogaty deferred comment to persons who came in support of their efforts.

Bill Johnston, Chamber of Commerce: spoke in support of approval of the special use permit opining that a country inn was badly needed in the community. He said that Veramar was a good citizen of the County and supports local events, athletic programs, schools, as well as the Free Medical Clinic.

George Dellinger, Downtown Berryville, Inc.: spoke in support of approval of the special use permit opining that the country inn would bring in tourism dollars.

Sandra Sowada, Lost Dog Bed and Breakfast, Berryville: spoke in support of approval of the special use permit stating that there are no ADA rental rooms in the County and the Bogaty's have promised to include an ADA room in the county inn they are proposing.

John Burns, Tunes & Tastes Festival: spoke in support of approval of the special use permit saying that the country inn will bring in tourism dollars. He opined that this business would add tax dollars to the County with no infrastructure requirements.

Roberta Kerns, Chamber of Commerce Director: spoke in support of approval of the special use permit saying that she views Veramar as an opportunity to accommodate the handicapped. She said that there are only fifty rental rooms in the County, which limits tourism and tax dollars.

Jim Bogaty, Veramar: addressed the Board stating that Veramar meets all the requirements for the special use permit and has received approval from the Planning Commission. He opined that their business would improve the area that is on the same road as a stone quarry.

Supervisor Dunning restated that the issue with Veramar's request was the lack of development rights. He said that without a DUR no one should reside at the inn. He reminded those present that the Bogaty's had sold their available DUR's and subdivided the property. Supervisor Byrd stated that Clarke County has a strong comprehensive plan and zoning. She opined that making exceptions can lead to problems and asked for review by the County's attorney.

Vice Chairman Hobert put forth that the applicants have stated that they are willing to abide by the rules of a country inn. He noted that the Chamber of Commerce had made an important point and that this inn will allow the County to diversify. Mr. Hobert opined that the request should be approved with all the Planning Commission restrictions, as well additional restrictions by the Board of Supervisors.

Vice Chairman Hobert moved to approve the Special Use / Site Plan SUP-03-06 subject to the following conditions and review by Bob Mitchell.

1. A consumer disclosure statement signed by the applicant and recorded in the office of the Clerk of the Circuit Court stating the country inn cannot be converted to a residence or used by a resident innkeeper unless the property upon which it is located contains a dwelling unit right;
2. Test results for any existing or proposed well(s) providing water to the public showing that such well(s) and that the test results are found negative in regard to major pollutants;
3. A boundary line adjustment so as to meet Virginia Department of Health setback requirements, if the existing well is used for public use;
4. A revised site plan stating that the maximum period of stay for the country inn be 14 days;
5. A revised site plan showing additional landscaped screening between the proposed country inn and adjoining parcels not owned by the applicant, approved by the Zoning Administrator;
6. Any change to the Site Plan, including access, would have to be approved by the Planning Commission;
7. That the applicant or subsequent property owner submit a room occupancy report, with the annual renewal of the business license for the country inn, to the County Zoning Administrator;
8. This Special Use shall be approved until April 2009 at which time the Board shall ensure the Use is in compliance with all conditions; if all conditions are being met, an extension or permanent approval by the Board would then be granted; and
9. Payment of all fees or reimbursement of costs incurred as a result of the review of the application.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye

Supervisor Dunning - Aye
Supervisor Weiss - Nay

Chuck Johnston put forth that the events listed on Veramar's website that are specific to its function as a winery or vineyard are acceptable and within the scope of special events. However, events outside that scope and/or include out-door playing of music are subject to the special entertainment permit process. Chairman Staelin noted corporate retreats and weddings as being outside of the permitted scope.

USGS Quarterly Report

Due to scheduling constraints, David Nelms, USGS, was unable to attend the April 2004 meeting of the Board of Supervisors but did submit his report for review. Mr. Nelms will address the Board during its July 2004 meeting or sooner subject to determination of need.

Chairman Staelin told the Board that surrounding Counties, including Jefferson and Shenandoah, are trying to do something similar in their localities. It is hoped that through coordinated efforts they will be able to determine how much water is flowing into and out of the Valley, how much is stored and how much can be safely used even in a drought.

Septic Ordinance Text Amendment – Continued Discussion

The Clarke County Board of Supervisors will consider the amendment of the County Septic Ordinance, Section 143-7 Definitions and Section 143-11 Appeals & Variances so as to alter the definition of a Spring and restructure the appeals board and variance procedure. TA-03-13 (AT)

Alison Teetor, Natural Resources Planner, reviewed the definition of a spring with the Board. She informed the Board that she had spoken with Bill Jones, County consultant on geological and underground-water supply issues, and he had reviewed the proposed definition of a spring. He noted that some water sources would be difficult to label noting that even some large springs can go dry in a drought.

There followed discussion on seeps. There was additional discussion on the use of the term "developed" in "4) *which is currently used as a developed domestic drinking water source; or,*" and what it implied.

Following discussion, Vice Chairman Hobert moved to adopt the definition of a Spring [TA-03-13] Code of Clarke County Chapter 143 Septic Systems Section 143-7 as modified removing the word "developed" from No. 4).

The motion was approved by the following vote:

Chairman Staelin - Aye
Vice Chairman Hobert - Aye
Supervisor Byrd - Aye
Supervisor Dunning - Aye
Supervisor Weiss - Aye

SPRING -- A spring is defined as a feature:

- 1) *which is a natural issue of water from the earth or a rock formation or fracture onto the land or into a body of water via defined channel, the place of issuance being relatively restricted in size; or*
- 2) *shown as a spring on the USGS 7 1/2-Inch Quadrangle Map (incomplete) or, Virginia Division of Mineral Resources Publication 102, Map of Hydrogeologic Components for Clarke County, Virginia Plate 2 (incomplete); or*

- 3) identified in the USGS Water-Resources Investigations Report 90-413, Ground-Water Hydrology and Quality in the Valley and Ridge and Blue Ridge Physiographic Provinces of Clarke County, Virginia; or
- 4) which is currently used as a ~~developed~~ domestic drinking water source; or,
- 5) which is currently used as a source of water for watering animals; or,
- 6) which feeds a pond or lake less than 500 feet from where the spring issues; or,
- 7) which has been designated as a significant hydrologic feature by the Clarke County Board of Supervisors prior to the filing of an application for an on-site waste disposal system (a list of such designated features is on file with the Clarke County Planning Department); or
- 8) which by right maybe used as a source of water by an adjoining property owner; or
- 9) which has manmade features indicating past or present use as a water supply.

Discussion Of Committee Action

Personnel

Appointment to Authorities, Boards and Commissions

<i>Committee/Board</i>	<i>Appointee</i>	<i>Expiration Date</i>
Lord Fairfax Emergency Medical Services Council	George "Matt" Hoff	6/30/2007

Supervisor Dunning moved to accept the appointment as presented.

The motion carried as follows:

- Chairman Staelin
- Aye
- Vice Chairman Hobert
- Aye
- Supervisor Byrd
- Aye
- Supervisor Dunning
- Aye
- Supervisor Weiss
- Aye

Board of Supervisors Work Session

Board Goals and Priorities

The Board discussed the matters identified in the aggregate list of Board Goals and Priorities. Chairman Staelin requested David Ash to add to the list review and revision of the Festival Ordinance – Chapter 57 of the Code of Clarke County. Mr. Ash was further instructed to review the list with staff, establish a time line, set priorities and determine cost.

Board Goals

Not listed in any priority order.

1. Create a Double Tollgate Development Plan.
2. Focus the County's economic development efforts by updating the County's Economic Development Plan.
3. Map sinkholes and springs.
4. Create an ordinance that reduces light pollution.
5. Create regulations that respond to the opportunities and problems uncovered by:

- the USGS groundwater study.
- our expanding knowledge of Karst.
- whatever we learn about the level of arsenic levels in our soils.
- 6. Work cooperatively with the Town of Berryville on issues of common interest.
 - update the Berryville Area Plan
 - upgrade of sewer and water extensions on west side of town.
- 7. Address the construction of large homes on limited perc sites.
- 8. Promote and figure out ways to expand the funding of the Conservation Easement Program. Also, make sure the Authority's enabling ordinance accurately reflects the Supervisors views with regard to how easements should be valued.
- 9. Consider adoption of a fee-for-service plan with regard to EMS.
- 10. Update County's Transportation Plan.
- 11. Review and revise the Festival/Entertainment Ordinance.
- 12. Review 600-sq-ft structure rule.

Finance

CFFW Regional Jail Board Funding Resolution

David Ash advised the Board that the CFFW Regional Jail Board Funding Resolution had been amended as requested at the March 16, 2004 Board of Supervisors meeting. He informed the Board that the Finance Committee had recommended adoption of the resolution.

Supervisor Byrd moved to adopt the CFFW Regional Jail Board Funding Resolution as presented.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

RESOLUTION

A RESOLUTION TO REQUEST STATE FUNDING TO EXPAND THE CLARKE-FAUQUIER-FREDERICK-WINCHESTER REGIONAL ADULT DETENTION CENTER

WHEREAS, the Clarke-Fauquier-Frederick-Winchester Regional Adult Detention Center (hereafter referred to as Detention Center) is overcrowded, and public safety and efficient operations are deleteriously impacted by the inmate populations that exceed the design capacity; and

WHEREAS, this over crowding is due in part to the failure of the Commonwealth to remove State-responsible inmates in a timely manner; and,

WHEREAS, the jurisdictions that own and operate the Detention Center are willing, with appropriate State partnership, to expand the Detention Center to address public safety and operational requirements; and

WHEREAS, the Detention Center has prepared and submitted a Community Based Corrections plan in accordance with § 53.1-82.1, Code of Virginia;

NOW, THEREFORE, BE IT RESOLVED by the Clarke County Board of Supervisors that the Commonwealth of Virginia be, and is hereby respectfully requested to approve expansion of the Detention Center as delineated in the Community Based Corrections Plan submitted to the Virginia Department of Corrections on March 1, 2004, and reimburse each participating locality its pro rata share up to one-half of the reimbursable capital costs, as well as the full cost of accommodating State-responsible inmates.

Adopted by of the Clarke County Board of Supervisors on April 20, 2004

John R. Staelin
Board of Supervisors Chair

Bills And Claims

Supervisor Byrd reviewed the Bills and Claims for the general government for the April 2004 Board of Supervisors meeting. Mrs. Byrd noted that office supplies for many areas are at their limit, as well as professional services and travel.

Supervisor Byrd moved to approve the Bills and Claims for the general government as presented.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Project Update

David Ash provided the monthly project update to the Board of Supervisors.

Parks and Recreation

The arsenic plan for the park has just been received.

Adelphia Cable Franchise Renewal

Discussed with Mr. Mitchell and Jean Rice the content of the franchise and the importance of the I-Net network. Upon response from Adelphia, a negotiating strategy will be discussed if necessary. The fiber optic link would provide high-speed internet to all government offices including the Park and Social Services.

Chairman Staelin requested David Ash to get a copy of the Spotsylvania decision on biosolids from Bob Mitchell and to distribute to the Board.

Miscellaneous

Warren County Waste Transfer Station – Convenience Center

David Ash informed the Board that he had contacted Richard Magnifico, Assistant County Administrator – Warren County, regarding the use by Clarke County residents of a Warren County waste transfer station located near Shenandoah Farms effective May 1, 2004. The transfer station is currently manned only part time. A valid Clarke County decal would be required to use the disposal facility. A sample will be conducted during the month of June in order to establish the initial share payable by Clarke County. Warren County will periodically bill Clarke County for the agreed upon share of the actual costs and will conduct annual surveys to verify the distribution of costs.

David Ash told the Board that waste transfer stations are not available in Loudon County. They use landfills and recycling stations.

Supervisor Byrd told the Board that the Litter Committee is in full support of this action.

Supervisor Dunning moved to approve the use of the Warren County Waste Transfer Station by Clarke County residents and allow access to the facility beginning May 1, 2004.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Settlement on Industrial Access Project – Payment to VDOT

David Ash reviewed the request from Hugh W. Adams, Transportation Engineering Program Supervisor – Department of Transportation, for the amount due from Clarke County for the Clarke County Industrial Park industrial access project to VDOT, which is \$95,514.35. Mr. Ash explained that the County has just received payment of \$320,000 from the most recent lot sale at the Industrial Park, which could be used to cover the payment to VDOT

Supervisor Dunning moved to approve the payment to VDOT in the amount of \$95,514.35 from the proceeds of the Industrial Park lot sale.

The motion was approved by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

School Board Update

David Weiss, Board of Supervisors liaison to the Clarke County School Board, provided an update to the Board of Supervisors. Mr. Weiss stated that the School Board is not pleased with the reduction of funds from their FY 05 budget but Caren Leach did state that it was time to stop discussing and to determine how to make up for what was lost.

Mr. Weiss advised the School Board that the Board of Supervisors would be behind them in their construction efforts. The School Board is still waiting on a building site. Supervisor Byrd noted that in addition to the site the school needs a design, a site plan, and infrastructure.

Supervisor Weiss told the Board that there is a lack of clarity on the School Board's part as to the requirements of the Town and the County. Vice Chairman Hobert stated that it is incumbent upon the School Board to know what is required. Mr. Weiss suggested that he and John Staelin meet with representatives of the School Board, as well as Planning and the Town of Berryville to discuss the process. Chuck Johnston, Planning Administrator, stated that he has twice spoken with a school representative regarding Planning requirements and he is willing to discuss the matter again to provide greater clarity.

Supervisor Weiss cautioned that the School Board needs to act like an applicant and the school construction project must follow due process without fast tracking. Chairman Staelin stated that the resolution calls for the School Board to follow the process.

Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Add discussion of additional roads to be included in speed zone studies in Board of Supervisors Work Session.	David Ash
2.	Provide the Board with the list of roads included in the original speed zone study request.	David Ash
3.	Prepare lists of roads in their areas for consideration.	Board of Supervisors
4.	Modify the Scenic By-ways resolution to include the State Arboretum.	Chuck Johnston
5.	Check the Clarke County noise ordinance to determine if any changes are necessary.	Chuck Johnston
6.	Submit application for inclusion of Josephine City Community into the Berryville Register District.	Chuck Johnston
7.	Provide notification of increase E911 fees to all providers.	David Ash
8.	Provide notification of increase of decal fees to Clarke County Treasurer.	David Ash
9.	Provide notice to 2004 International Tunes and Tastes Festival – Veramar Vineyard of approval and conditions.	David Ash
10.	Provide notice to Vintage Virginia 23 rd Annual Virginia Wineries Festival at Historic Long Branch.	David Ash
11.	Provide letters of appointment.	David Ash
12.	Add to the list of Board Goals and Priorities review and revision of the Festival Ordinance – Chapter 57 of the Code of Clarke County.	David Ash
13.	Review Board Goals and Priorities list with staff, establish a time line, set priorities and determine cost.	David Ash
14.	Forward adopted CFFW Regional Jail Board Funding Resolution	David Ash
15.	Cable Franchise Renewal – Adelphia - get a copy of the Spotsylvania decision on biosolids from Bob Mitchell and distribute to the Board.	David Ash
16.	Provide written notice to Richard Magnifico, Assistant County Administrator – Warren County, regarding the authorization of Clarke County residents to use the Warren County Waste Transfer Station.	David Ash
17.	Process payment to VDOT for industrial access project.	David Ash
18.	Set up meeting between School Board, Town of Berryville, County Planning, John Staelin and David Weiss to discuss construction requirements.	David Weiss

Adjournment:

There being no further business, Chairman Staelin adjourned the meeting at 2:28 pm.

Next Meeting Date:

The next Board of Supervisors meeting is set for May 18, 2004, at 9:00 am in the Board of Supervisor's Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia.

ATTEST: April 20, 2004

John Staelin, Chairman

David L. Ash, County Administrator